UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,466	07/17/2006	Hiromi Kawamura	2006_0844A	4224

52349 7590 09/01/2009

WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

EXAMINER	
JOHNSON, SONJI N	

ART UNIT	PAPER NUMBER
2887	

MAIL DATE	DELIVERY MODE
09/01/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,466	KAWAMURA ET AL.	
	Examiner	Art Unit	
	SONJI JOHNSON	2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 July 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *07/17/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, and 5-13 are rejected under 35 U.S.C. 102 (b) as being anticipated by Ishibash JPO Publication No. 2004-341702, full translations provided by examiner.

Re claim 1, Ishibashi discloses a semiconductor memory card which performs contactless communication with a reader/writer, the semiconductor memory card comprising:

a direction obtainment unit (direction detection means 11, 17, and 18) operable to obtain a first access direction type in which the semiconductor memory card accesses the reader/writer (Paragraph 8, the direction detection means detects the direction by which noncontact IC card was held up to the reader/writer 21);

a condition management unit (memory) operable to previously hold and manage an access condition including two or more of second access directions types (Claim 2; Paragraphs 17 and 18, the second access directions types are the peculiar information and direction information stored beforehand in the memory; a memory stores previously acquired peculiar information wherein the peculiar information comprises of detection results when the IC card was held up a number of predetermined time to a communication apparatus i.e. reader/writer)

a condition judgment unit (coincidence decision means) operable to compare two or more of the first access direction types (acquired direction information) obtained by the direction obtainment unit with two or more of the second access direction types (stored peculiar information with direction information and password) included in the access condition held in the condition management unit, and to judge whether or not the first and second access direction types match each other (Claim 2; claim 7, ;Paragraph 23; Paragraph 28, and Paragraph 34-35, wherein a coincidence decision means judges whether the acquired direction information correspond to the stored direction information); and

an execution unit operable to execute a predetermined application program when the condition judgment unit judges that the first and the second access direction types match each other (Paragraph 60).

Re claim 2, Ishibashi discloses a semiconductor memory card according to Claim 1, wherein the access condition includes a time series pattern of the second access direction types, and the condition judgment unit is operable to compare the first and second access direction types according to the time series pattern (Paragraph 20; Paragraph 24; Paragraph 38 and Paragraph 47).

Re claim 3, Ishibashi discloses a semiconductor memory card according to Claim 1, wherein one of the access direction types is an access side type of the semiconductor memory card (Paragraph 44).

Re claim 5, Ishibashi discloses a semiconductor memory card according to Claim 1, wherein the direction obtainment unit (direction detection means 11, 17, and

18) is operable to obtain the first access direction types upon a lapse of a predetermined time from a time point at which electric power is generated by electromagnetic waves supplied by the reader/writer exceeds a predetermined voltage (Paragraph 47).

Re claim 6, Ishibashi discloses a semiconductor memory card according to Claim 1, wherein the access condition includes a number of comparisons of the first and second access direction types, and the condition judgment unit is operable to compare the first and second access direction types as many as the number of comparisons (Paragraphs 15, 16 and 19).

Re claim 7, Ishibashi discloses a semiconductor memory card according to Claim 6, wherein the access condition includes a time limit for the semiconductor memory card to access the reader/writer, the condition judgment unit is operable to judge whether or not an elapsed time from a first access to a completion of comparisons as many as the number of comparisons is within the time limit, and the execution unit is operable to execute the predetermined application program when the condition judgment unit judges that the elapsed time is within the time limit (Paragraphs 20-21, and 47-48).

Re claim 8, Ishibashi discloses a semiconductor memory card according to Claim 1, further comprising a condition obtainment unit (11, 17, and 18) operable to obtain the access condition (direction by which noncontact IC card was held up to the reader/writer 21) from an external device (reader/writer 21), wherein the condition

management unit is operable to store and manage the access condition (Paragraph 8 and Paragraph 17).

Re claim 9, Ishibashi discloses a server which is connected to a reader/writer via a network, the reader/writer performing contactless communication with a semiconductor memory card, the server comprising:

a direction obtainment unit (direction detection means 11, 17, and 18) operable to obtain a first access direction type in which the semiconductor memory card accesses the reader/writer (Paragraph 8, the direction detection means detects the direction by which noncontact IC card was held up to the reader/writer (21);
a condition management unit operable to previously hold and manage an access condition including two or more of second access direction types);

a condition judgment unit (coincidence decision means) operable to compare two or more of the first access direction types obtained by the direction obtainment unit with two or more of the second access direction types included in the access condition held in the condition management unit, and to judge whether or not the first and second access direction types match each other (Claim 2; Page 3, claim 7, Paragraph 23 , Paragraph 28, and Paragraph 34-35, wherein a coincidence decision means judges whether the acquired direction information correspond to the stored direction information), and

a notification unit operable to notify the judgment result of
the semiconductor memory card (Paragraph 60).

Re claim 10, Ishibashi discloses a method of providing a service by a system including a semiconductor memory card which performs contactless communication with a reader/writer, and a server connected to the reader/writer via a network, the method comprising:

obtaining a first access direction type in which the semiconductor memory card accesses the reader/writer (Paragraph 8);

comparing two or more of the first access direction types obtained in the obtaining with two or more of second access direction types previously held in a storing unit, and judging whether or not the first and second access direction types match each other (claim 2; claim 7; Paragraphs 23, 28, 34-35, wherein a coincidence decision means judges whether the acquired direction information correspond to the stored direction information); and

executing a predetermined application program when it is judged, in the judging, that the first and second access direction types match each other (Paragraph 60).

Re claim 11, Ishibashi discloses a program for performing contactless communication with a reader/writer, the program causing a computer to execute:

obtaining a first access direction type in which the semiconductor memory card accesses the reader/writer (Paragraph 8);

comparing two or more of the first access direction types obtained in the obtaining with two or more of second access direction types previously held in a storing unit, and judging whether or not the first and second access direction types match each other (claim 2; Page 3, claim 7, Paragraph 23, Paragraph 28, and Paragraph 34-

35, wherein a coincidence decision means judges whether the acquired direction information correspond to the stored direction information); and

executing a predetermined application program when it is judged, in the judging, that the first and second direction types match each other (Paragraph 60).

Re claim 12, Ishibashi discloses a computer readable recording medium in which a program for performing contactless communication with a reader/writer is recorded, the program comprising:

obtaining a first access direction type in which the semiconductor memory card accesses the reader/writer (Paragraph 8);

comparing two or more of the first access direction types obtained in the obtaining with two or more of second access direction types previously held in a storing unit, and judging whether or not the first and second access direction types match each other (claim 2; claim 7; Paragraphs 23 , 28, and 34-35, wherein a coincidence decision means judges whether the acquired direction information correspond to the stored direction information); and

executing a predetermined application program when it is judged, in the judging, that the first and second access direction types match each other (Paragraph 60).

Re claim 13, Ishibashi discloses an integrated circuit for use with a semiconductor memory card which performs contactless communication with a reader/writer, the integrated circuit comprising:

a direction obtainment unit (direction detection means 11, 17, and 18) operable to obtain a first access direction type in which the semiconductor memory card accesses the reader/writer (Paragraph 8, the direction detection means detects the direction by which noncontact IC card was held up to the reader/writer 21);

a condition management unit operable to previously hold and manage an access condition including two or more of second access direction types (claim 2; Paragraphs 17 and 18, the second access directions types are the peculiar information and direction information stored beforehand in the memory; a memory stores previously acquired peculiar information wherein the peculiar information comprises of detection results when the IC card was held a number of predetermined time to a communication apparatus i.e. reader/writer);

a condition judgment unit (coincidence decision means) operable to compare two or more of the first access direction types (acquired direction) obtained by the direction obtainment unit with two or more of the second access direction types (peculiar information and direction information stored beforehand in the memory) previously held in the condition management unit, and judging whether or not the first and second access direction types match each other (claim 2; claim 7; Paragraphs 23, 28, and 34-35, wherein a coincidence decision means judges whether the acquired direction information correspond to the stored direction information); and

an execution unit operable to execute a predetermined application program when the condition judgment unit judges that the first and second access direction types match each other (Paragraph 60).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibash JPO Publication No. 2004-341702, full translations provided by examiner, in view of Kawasaki et al. US Publication 2006/0157566.

Re claim 4, Ishibashi discloses a semiconductor memory card according to claim 1.

Ishibashi fails to disclose wherein one of the access direction types is a horizontal access direction type on a same side of the semiconductor memory card.

Kawasaki discloses wherein one of the access direction types is a horizontal access direction type on a same side of the semiconductor memory card (Paragraph 26, 28, Fig 6).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the teachings of Kawasaki with the teachings of Ishibashi such that one of the access direction types is a horizontal access direction type on a same side of the semiconductor memory card.

A horizontal access direction allows the reader to securely communicate with a contactless IC card, since other access direction indicates that an ill intention person is accessing stored personal information (Paragraph 29).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONJI JOHNSON whose telephone number is 571-270-5266. The examiner can normally be reached on Monday-Thursday 7:30 AM -6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve S. Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SONJI JOHNSON/
Examiner, Art Unit 2887

/Thien M. Le/
Primary Examiner, Art Unit 2887

/S. J./
Examiner, Art Unit 2887